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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

9400-150 (BLS030208)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on January 4, 2007Signature Typed or printed name Amelia Tauchen

Application Number

10/675,517

Filed

09/30/2003

First Named Inventor

Jeffrey A. Aaron

Art Unit

2167

Examiner

Robert M. Timblin

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. 42,011
Registration number _____

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



Signature

D. Scott Moore

Typed or printed name

919-854-1400

Telephone number

January 4, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE--EXAMINING GROUP 2167**

Attorney Docket No. 9400-150 (BLS030208)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Jeffrey A. Aaron et al.

Serial No.: 10/675,517

Filed: September 30, 2003

For: SYSTEMS AND METHODS FOR PROVIDING ALERTS

Confirmation No.: 6101

Examiner: Robert M. Timblin

Group Art Unit: 2167

Date: January 4, 2007

Mail Stop AF

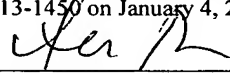
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Amelia Tauchen

**REASONS IN SUPPORT OF APPLICANT'S PRE-APPEAL
BRIEF REQUEST FOR REVIEW AND INTERVIEW SUMMARY**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program, which have been extended indefinitely

No fee or extension of time is believed due for this request. However, if any fee or extension of time for this request is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

REMARKS

Applicants hereby request a Pre-Appeal Brief Review (hereinafter "Request") of the claims finally rejected in the Final Office Action mailed August 22, 2006 (hereinafter "Final Action"). The Request is provided herewith in accordance with the rules set out in the OG dated July 12, 2005.

Applicants respectfully submit that the rejections of the currently pending claims are clearly erroneous because many of the recitations of the pending claims are not met by the cited references for at least the reasons discussed herein and in Applicants' previously filed Amendment June 26, 2006. Therefore, Applicants respectfully request review of the present application by an appeal conference prior to the filing of an appeal brief. In the interest of brevity and without waiving the right to argue additional grounds should this Petition be denied, Applicants will only discuss the recitations of independent Claims 1, 10, and 18.

Interview Summary

Applicants wish to thank the Examiner for discussing the pending claims with Applicants' representative, Scott Moore (Reg. No. 42,011) on November 8, 2006. During the interview, no agreement was reached as to the patentability of the pending claims. Applicants respectfully request that the present remarks constitute an Interview Summary pursuant to MPEP §713.04.

Independent Claims 1, 10, and 18 are Patentable

Independent Claims 1, 10, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent Publication No. US 2003/0023722 to Vinberg (hereinafter "Vinberg") in view of U. S. Patent Publication No. 2004/0148526 to Sands et al. (hereinafter "Sands"). Independent Claim 1 is directed to a method of outputting an alert and recites, in part:

...
obtaining a status from a sensor;
retrieving personnel information comprising identity and status
information for the personnel from a database, the personnel information
relating to the sensor;
generating the alert;
applying a filter to determine whether to modify a severity of the alert;
and
outputting the alert. (Emphasis added)

Independent Claims 10 and 18 include similar recitations. Thus, according to independent Claim 1 as amended, the personnel information stored in the database includes both identity *and* status information for the personnel. Such embodiments are described, for example, on page 8, paragraph 24 of the Specification, where the text explains that the personnel information can include various identity information along with status information, such as job category and/or authorized access zones for the various individuals. Moreover, as highlighted above, both the identity and status information are stored in the database.

The Office Action acknowledges that Vinberg does not disclose retrieving personnel information comprising identity and status information from a database, but alleges that Sands provides the missing teachings. (Final Action, page 3). Sands is directed to a security method and system for authenticating a person's identity based on biometric information. (See, e.g., Sands Abstract and paragraphs 7, 19, 24, and 37). The Final Action alleges that Sands discloses retrieving identity (biometric profile) and status information (disabled/not-disabled) information from a database. (Final Action, page 9). Applicants acknowledge that Sands discloses storing a user's biometric profile in a database. As shown in FIG. 3 of Sands, the biometric profile includes a user identification field. The biometric profile is retrieved by the authentication policy as discussed in paragraph 69 of Sands. Applicants submit, however, that in sharp contrast to the recitations of independent Claims 1, 10, and 18, the disabled/not-disabled status for the user is not stored in the database and retrieved therefrom. Instead, Sands explains that "[i]n step 420, the authentication policy determines if the location or user has been disabled." (Sands, col. 73; emphasis added). Applicants can find no disclosure in Sands indicating that the authentication policy obtains the disabled/not-disabled status for the user from the same persistent storage medium used to store the biometric profile.

To establish a prima facie case of obviousness, the prior art reference or references when combined must teach or suggest *all* the recitations of the claims, and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. M.P.E.P. §2143. Applicants respectfully submit that Sands does not provide the missing teachings related to retrieving personnel information from a database that includes both identity and status information for the personnel; therefore, the combination of Vinberg and Sands does not disclose or suggest all of the recitations of independent Claims 1,

In re: Jeffrey A. Aaron et.al.
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10, and 18 as required under 35 U.S.C. §103(a). Thus, Applicants submit that a prima facie case of obviousness has not been established.

For at least the foregoing reasons, Applicant respectfully requests that the present application be reviewed and that the rejection of independent Claims 1, 10, and 18 be reversed by the appeal conference prior to the filing of an appeal brief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Moore", written in a cursive style.

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